

**Kansas Administrative Regulations**  
**Agency 19 – Governmental Ethics Commission**

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**Editors' Notes**

Effective July 1, 1998, the Kansas commission on governmental standards and conduct was redesignated as the governmental ethics commission. Rules and regulations of the Kansas commission on governmental standards and conduct were by law specifically retained in force and effect and became the rules and regulations of the governmental ethics commission until amended or revoked by the successor commission.

Effective July 1, 1991, the Kansas commission on governmental standards and conduct was created to replace the Kansas public disclosure commission. Rules and regulations of the Kansas public disclosure commission were by law specifically retained in force and effect and became the rules and regulations of the Kansas commission on governmental standards and conduct until amended or revoked by the successor commission.

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details.

## **K.A.R. 19-1-1**

### **19-1-1. Definitions.**

- (a) “Advisory opinion” means a formal opinion issued by the commission as provided by relevant law.
- (b) “Chairperson” means the chairperson of the commission appointed by the governor, or in the event of the chairperson’s absence, the vice-chairperson or any other commissioner as may be designated by the remaining members of the commission.
- (c) “Commission” means the Kansas commission on governmental standards and conduct created by relevant law, or as the context indicates, any lesser number of members.
- (d) “Commission’s attorney” means an attorney employed by the commission to assist the commission in carrying out the provisions of relevant law.
- (e) “Executive director” means the executive director appointed by the commission.
- (f) “Formal record” means all the filings and submittals in a matter or proceeding and all notices or agency orders initiating the matter or proceeding. If a hearing is held, the formal record shall include:
  - (1) The designation of the presiding member;
  - (2) The transcript of hearing if one is kept;
  - (3) All exhibits received in evidence;
  - (4) All exhibits offered but not received in evidence;
- (5) All offers of proofs, motions, stipulations, subpoenas, proofs of service, and the corresponding determinations made by the commission;
- (6) Certifications to the commission; and
- (7) Anything else upon which action of the presiding member or commission may be based will constitute a formal record. This does not include any proposed testimony or exhibits or the work product of the commission or its staff not offered or received in evidence.
- (g) “Hearing commissioners” means the commissioners designated by the chairperson to conduct a pre-hearing, hearing or rehearing, or to proceed with any matter before the commission.
- (h) “Party” means the complainant, respondent, and any other person authorized by the commission to intervene in any proceeding.
- (i) “Petitioner” means a person seeking relief, including an advisory opinion, and not otherwise designated in this section.
- (j) “Pleading” means any application, complaint, petition, answer, reply, or other similar document filed with the commission.

(k) “Presiding member” means the chairperson or any member of the commission, duly designated to preside at hearings, conferences, or other proceedings.

(l) “Relevant law” means K.S.A. 25-4142 et seq. and K.S.A. 46-215 et seq., including related amendments, supplemental legislation, and rules and regulations. In addition, in the context of requests for advisory opinions and related matters, “relevant law” shall include K.S.A. 75-4301 et seq., including related amendments, supplemental legislation, and rules and regulations.

(m) “Respondent” means any person against whom a complaint has been filed alleging an unlawful practice within the meaning of relevant law.

(n) “Treasurer” means an acting treasurer duly appointed under relevant law, and the treasurer of record at any particular point in time irrespective of whether the individual still serves as the treasurer. Only individuals, as opposed to nonnatural persons, may serve as treasurers.

#### Credits

(Authorized by K.S.A. 1991 Supp. 25-4119a and 46-253; implementing K.S.A. 1991 Supp. 25-4143 and K.S.A. 46-215.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sept. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended June 22, 1992.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-1, KS ADC 19-1-1

**K.A.R. 19-1-2**

**19-1-2. Construction.**

These rules shall be liberally construed to accomplish the purposes of relevant law and the policies of the commission including the just and expeditious determination of the issues presented.

Credits

(Authorized by K.S.A. 1976 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-2, KS ADC 19-1-2

**K.A.R. 19-1-4**

**19-1-4. Appointment of acting executive director.**

Whenever it is necessary to appoint an acting executive director without delay, the chairperson may make such appointment, subject to the ratification or rejection of the commission at the next meeting. The rejection of such appointment shall not affect any of the actions of the acting executive director in the interim.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-4, KS ADC 19-1-4

## **K.A.R. 19-1-5**

### **19-1-5. Pleadings or other documents filed with the commission.**

- (a) General. All pleadings or other documents shall be mailed first-class with postage prepaid or delivered personally to the office of the commission. The pleadings or other documents shall clearly designate the file number, if any, designated by the commission; state a document title where appropriate; indicate their purpose, identify any commission document to which they are in response, and state the name, address and title of the party or petitioner.
- (b) Noncompliance and rejection. In any proceeding when the commission finds a pleading or other document does not comply with these rules, the commission shall:
- (1) decline to accept the document for filing and return it, or
  - (2) accept it for filing and make procedural corrections, or
  - (3) accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.
- (c) The commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any document filed.
- (d) Signature and effect. Each pleading or other document shall be signed by the petitioner or interested party or by his or her attorney, and shall show the office and post-office address. The signature of the person on any pleading or document filed constitutes a certificate that the person:
- (1) has read it, and knows the contents;
  - (2) executing the pleading or other document, if executed in any representative capacity, has been subscribed and executed in the capacity specified upon it with full power and authority so to do;
  - (3) believes the contents to be true as stated.

#### Credits

(Authorized by K.S.A. 1980 Supp. 25-4119a, 46-253; implementing K.S.A. 1980 Supp. 25-4121, 46-255.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1981.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-5, KS ADC 19-1-5

**K.A.R. 19-1-6**

**19-1-6. Copies of pleadings or other documents.**

The petitioner or party filing any pleading or other document shall file the original thereof with the commission. The commission may require the filing of such additional copies as it may need or desire.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-6, KS ADC 19-1-6

**K.A.R. 19-1-8**

**19-1-8. Service.**

- (a) Service of an original complaint, a notice of hearing, five (5) and thirty (30) day notices pursuant to 1981 Kansas Session Laws, Chapter 171, Sec. 1 *et seq.*, and Sec. 42 *et seq.*, a civil penalty assessment order, and a finding of fact and report shall be by certified mail, return receipt requested. The notice will be mailed to the person's principal residence, principal place of business or any other address as appears on any document filed pursuant to relevant law. Except as otherwise provided by relevant law, the commission shall serve other required orders, notices and documents by first-class mail with postage prepaid. Service may be in person.
- (b) All pleadings or other documents shall be served upon all petitioners or parties in the proceeding by the one filing the same on the date when filed or tendered for filing with the commission. This service shall be made by delivering in person or by mailing first class, properly addressed with postage prepaid, copies to each petitioner or party. An original complaint shall be served on the respondent by the commission.
- (c) When any petitioner or party is represented by an attorney who has entered a general entry of appearance, subsequent service shall be upon this attorney.
- (d) The date of service shall be the day when the pleading or other document served is deposited in the United States mail or is delivered in person, except as provided in K.A.R. 19-1-9(a). When service is by certified mail, return receipt requested, the date of service shall be the date of delivery shown on the return receipt. A certificate of service shall be attached to the original of each pleading or other document filed, except those originating with the commission.

Credits

(Authorized by and implementing K.S.A. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; amended, E-77-47, Sep. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details.

Kan. Admin. Regs. 19-1-8, KS ADC 19-1-8

**K.A.R. 19-1-9**

**19-1-9. Time.**

- (a) Timely filing required. Reports or documents required or permitted to be filed under K.A.R. 19-1 to K.A.R. 19-8, inclusive, must be received for filing at the commission's office within the time limits, if any, for such filing. The date of receipt at the office of the commission and not the date of deposit in the mails is determinative.
- (b) Computation of time. Except as otherwise provided by law, in computing any period of time prescribed or allowed, the date of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is Saturday, Sunday, or a "legal holiday" as defined in K.S.A. 60-206, in which event the period shall run until the end of the next day which is neither Saturday, Sunday, nor a legal holiday. A part-day holiday shall be considered as other days and not as a holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-9, KS ADC 19-1-9

**K.A.R. 19-1-10**

**19-1-10. Representation.**

(a) Appearance in person or by attorney. An individual may appear in his or her own behalf. A member of a partnership may represent the partnership, a bona fide officer of a corporation, trust or association may represent the corporation, trust or association in presenting any matter to the commission. A person may be represented by an attorney authorized to practice before the supreme court of Kansas.

(b) Contemptuous conduct. Contemptuous conduct at any hearing shall be ground for exclusion from such hearing.

Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-10, KS ADC 19-1-10

**K.A.R. 19-1-11**

**19-1-11. Commission decisions.**

Except as otherwise provided by relevant law, all orders, opinions, or findings of fact issued by the commission shall be signed by the chairperson. The decision of any committee of hearing commissioners shall be by majority vote. A concurring vote of five members of the commission shall be required for any decision of the commission as a whole.

Credits

(Authorized by and implementing K.S.A. 1991 Supp. 25-4119a and 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended June 22, 1992.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-11, KS ADC 19-1-11

## **K.A.R. 19-1-13**

### **19-1-13. Alternative procedures.**

Upon finding in a specific proceeding that the just and expeditious determination of a matter requires simplification, alteration, or non-application of any or all of K.A.R. 19-1 to K.A.R. 19-8, inclusive, or the adoption of supplemental procedures, the commission or any committee thereof may utilize such alternative procedures as are reasonable and necessary and consistent with the relevant law and which do not jeopardize the rights of any party. Except when alternative procedures are adopted at a prehearing conference, hearing or rehearing with all petitioners or parties or their representatives present, notice of the adoption of alternative procedures shall be served on them.

#### Credits

(Authorized by K.S.A. 1979 Supp. 25-4119a, 46-253.)

(Effective, E-76-52, Oct. 24, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980.)

Current through Volume 42, No. 39, September 28, 2023. Some sections may be more current. See credits for details. Kan. Admin. Regs. 19-1-13, KS ADC 19-1-13